

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 552 Session of 2001

INTRODUCED BY STAIRS, COLAFELLA, CLYMER, FLEAGLE, FLICK, HERMAN, McILHATTAN, R. MILLER, NAILOR, SCHULER, CURRY, GRUCELA, STURLA, C. WILLIAMS, M. BAKER, BARRAR, BELARDI, BUNT, CALTAGIRONE, COY, GEORGE, HARHAI, HENNESSEY, HESS, HORSEY, JOSEPHS, KENNEY, LAUGHLIN, MARKOSEK, MELIO, MICOZZIE, ORIE, PIPPY, SAINATO, SATHER, SAYLOR, SHANER, B. SMITH, E. Z. TAYLOR, THOMAS, TIGUE, TRELLO, TULLI, WOJNAROSKI, FRANKEL, STEELMAN, L. I. COHEN AND JAMES, FEBRUARY 7, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 19, 2001

AN ACT

1 Amending the act of December 19, 1990 (P.L.1372, No.212),
2 entitled "An act providing for early intervention services
3 for infants, toddlers and preschool children who qualify;
4 establishing the Interagency Coordinating Council and
5 providing for its powers and duties; and conferring powers
6 and duties upon the Department of Education and the State
7 Board of Education, the Department of Health and the
8 Department of Public Welfare," further providing for
9 intervention services for infants, toddlers and eligible
10 young children with disabilities; expanding the membership of
11 the Interagency Coordinating Council; further providing for
12 the expenditure of certain appropriations; and making
13 editorial changes.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Sections 102, 103, 104, 105(c), 106, 301, 302,
17 304(c), 305 and 501 of the act of December 19, 1990 (P.L.1372,
18 No.212), known as the Early Intervention Services System Act,
19 are amended to read:

20 Section 102. Legislative findings for early intervention.

1 (a) Needs.--The General Assembly finds that there is a need
2 to:

3 (1) Increase the opportunity for the development of
4 infants, toddlers and eligible young children [who are
5 handicapped] with disabilities in order to minimize their
6 potential for developmental delay.

7 (2) Minimize the need for special education services as
8 these infants, toddlers and eligible young children [who are
9 handicapped] with disabilities attain the age of beginners.

10 (3) Reduce the number of [handicapped] individuals with
11 disabilities being placed in institutions and enhance their
12 potential for independent living in society.

13 (4) Assist the families of [handicapped] infants and
14 toddlers with disabilities to meet their children's special
15 needs.

16 (5) Implement the provisions of Parts B and [H] C in
17 order to be eligible to receive Federal funding to help
18 establish and maintain programs and services to assist
19 [handicapped] infants[,] and toddlers with disabilities and
20 their families and eligible young children.

21 (b) Remedy.--The General Assembly further finds that early
22 intervention services for [handicapped] infants[,] and toddlers
23 with disabilities and their families and eligible young children
24 are cost effective and effectively serve the developmental needs
25 of [children who are handicapped] these children.

26 Section 103. Definitions.

27 The following words and phrases when used in this act shall
28 have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Age of beginners." The minimum age established by the

1 school district board of directors for admission to the
2 district's first grade under 22 Pa. Code § 11.15 (relating to
3 admission of beginners).

4 "Council." The Interagency Coordinating Council established
5 in section 106.

6 "Early intervention services." Developmental services which
7 meet all of the following:

8 (1) Are provided under public supervision.

9 (2) Are designed to meet the developmental needs of [a
10 handicapped infant, toddler] an infant or toddler with
11 disabilities or eligible young child in any of the following
12 areas:

13 (i) Physical development.

14 (ii) Cognitive development.

15 (iii) Sensory development.

16 (iv) [Language and speech] Communication development
17 or alternative communication development.

18 (v) [Psycho-social] Social-emotional development.

19 [(vi) Self-help skills.]

20 (vi) Adaptive development.

21 (3) [Are] For eligible infants and toddlers with
22 disabilities and their families, are developed to meet the
23 requirements of this act, including, but not limited to, the
24 following:

25 (i) Family training.

26 (ii) Social work services, including counseling and
27 home visits.

28 (iii) Special instruction.

29 (iv) Speech pathology and audiology.

30 (v) Occupational therapy.

1 (vi) Physical therapy.
2 (vii) Psychological services.
3 (viii) Medical services only for diagnostic or
4 evaluation purposes.

5 (ix) Early identification, screening and assessment
6 services.

7 (x) Health services necessary to enable the infant
8 or toddler to benefit from the other early intervention
9 services.

10 (xi) Assistive technology devices and services.

11 [(xii) For handicapped infants and toddlers, other
12 services required by Part H.]

13 (xii) For infants and toddlers with disabilities,
14 other services required by Part C, such as nutrition,
15 service coordination services and transportation and
16 related costs that are necessary to enable the infants or
17 toddlers with disabilities and their families to receive
18 early intervention services.

19 (xiii) Vision services.

20 (4) Are provided by qualified personnel, including, but
21 not limited to, special educators, speech and language
22 pathologists and audiologists, occupational therapists,
23 physical therapists, psychologists, social workers, nurses
24 [and nutritionists.], nutritionists, family therapists,
25 orientation and mobility specialists, pediatricians and other
26 physicians.

27 (5) Are provided in conformity with an individualized
28 family service plan for eligible infants, toddlers and their
29 families.

30 [(6) Are provided to eligible young children in

1 compliance with the provisions of this act and Part B.
2 Compliance includes procedural safeguards and free
3 appropriate public education, including related services and
4 individualized education programs.]

5 (6) For eligible young children, are developed to
6 include specialized instruction in compliance with this act
7 and Part B. Compliance, for this purpose, includes the
8 procedural safeguards and free appropriate education,
9 including related services and individualized education
10 programs, which are necessary to insure that compliance is
11 effected. These related services shall include, but not be
12 limited to, the following related services:

13 (i) Family training.

14 (ii) Social work services, including counseling and
15 home visits.

16 (iii) Speech pathology and audiology.

17 (iv) Occupational therapy.

18 (v) Physical therapy.

19 (vi) Psychological services.

20 (vii) Medical services, for diagnostic or evaluation
21 purposes only.

22 (viii) Early identification, screening and
23 assessment services.

24 (ix) Assistive technology devices and services.

25 (7) Are provided in the least restrictive environment
26 for eligible young children or natural environment for
27 infants and toddlers with disabilities, as TO THE MAXIMUM <—
28 EXTENT appropriate [to] FOR the [child's] children's needs. <—

29 Infants, toddlers and eligible young children who will be
30 served in a non-home-based setting must, to the maximum

1 extent [consistent with the child's abilities] APPROPRIATE, <—
2 receive early intervention services in a setting with
3 [nonhandicapped] typically developing children. Each infant's
4 or toddler's IFSP [and each] MUST CONTAIN AN EXPLANATION OF <—
5 WHY SERVICES WILL NOT BE IN THE NATURAL ENVIRONMENT. EACH
6 eligible young child's IEP MUST CONTAIN AN EXPLANATION OF THE <—
7 EXTENT TO WHICH THE CHILD WILL NOT BE EDUCATED WITH CHILDREN
8 WITH NO DISABILITIES. BOTH PLANS must contain the recommended
9 service option placement and the rationale for why it
10 represents the least restrictive environment.

11 ["Education of the Handicapped Act." The Education of the
12 Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.).]

13 "Eligible young child." A child who is younger than the age
14 of beginners and at least three years of age and who meets any
15 of the following criteria:

16 (1) The child has any of the following physical or
17 mental disabilities: [autism/pervasive developmental <—
18 disorder, serious emotional disturbance, neurological
19 impairment, deafness/hearing impairment, specific learning
20 disability, mental retardation, multihandicap, other health
21 impairment, physical disability, speech impairment or
22 blindness/visual impairment] AUTISM, DEAF-BLINDNESS, <—
23 EMOTIONAL DISTURBANCE, TRAUMATIC BRAIN INJURY, HEARING
24 IMPAIRMENT INCLUDING DEAFNESS, SPECIFIC LEARNING DISABILITY,
25 MENTAL RETARDATION, MULTIPLE DISABILITIES, PHYSICAL
26 DISABILITY, SPEECH OR LANGUAGE IMPAIRMENT, VISUAL IMPAIRMENT
27 INCLUDING BLINDNESS OR OTHER HEALTH IMPAIRMENT.

28 (2) The child is considered to have a developmental
29 delay, as defined by regulations of the State Board of
30 Education and the standards of the Department of Education.

1 "IEP." Individualized Education Program.
2 "IFSP." Individualized Family Service Plan.
3 "Individuals with Disabilities Education Act." The
4 Individuals with Disabilities Education Act (Public Law 91-230,
5 20 U.S.C. § 1400 et seq.).

6 ["Handicapped infants and toddlers."] "Infants and toddlers
7 with disabilities." Individuals ranging in age from birth to
8 two years of age, inclusive, who need early intervention
9 services for any of the following reasons:

10 (1) They are experiencing developmental delays, as
11 defined by regulations of the Department of Public Welfare
12 and as measured by appropriate diagnostic instruments and
13 procedures in any of the following areas: cognitive
14 development, sensory development, physical development,
15 [language and speech development, psycho-social development
16 or self-help skills] communication development, social-
17 emotional development or adaptive development and are based
18 on informed clinical opinion and procedures.

19 (2) They have a diagnosed physical or mental condition
20 which has a high probability of resulting in developmental
21 delay under paragraph (1). This paragraph applies to
22 conditions with known etiologies and developmental
23 consequences. Examples of these conditions include Down
24 syndrome; other chromosomal abnormalities; sensory
25 impairments, including vision and hearing; inborn errors of
26 metabolism; microcephaly; severe attachment disorders,
27 including failure to thrive; seizure disorders; and fetal
28 alcohol syndrome.

29 ["IEP." Individualized Education Program.
30 "IFSP." Individualized Family Service Plan.]

1 "Informed clinical opinion." Documentation by a number of
2 qualified personnel, as contained in the definition of "early
3 intervention services," and as based on direct observation as
4 well as other knowledge of the child when there are no
5 standardized measures or the procedures are not appropriate for
6 the child's level of functioning or manifestation of the
7 disability or development areas. The multidisciplinary team will
8 then determine, through its informed clinical opinion, that a
9 child is eligible for early intervention services. Informed
10 clinical opinion applies only to infants and toddlers with
11 disabilities and not eligible young children.

12 "Lead agency." For early intervention services to eligible
13 children from birth to two years of age, inclusive, the
14 Department of Public Welfare; for early intervention services to
15 eligible young children, the Department of Education.

16 "Local interagency agreement." An agreement entered into by
17 local agencies receiving early intervention funds directly from
18 the Commonwealth and made under the State interagency agreement
19 providing for the delivery of early intervention services within
20 a specified geographic area.

21 "MAWA agency." An agency that enters into a mutually agreed-
22 upon written arrangement with the Department of Education.

23 "Mutually agreed-upon written arrangements." An agreement
24 between the Department of Education and intermediate units,
25 school districts or other public or private agencies to provide
26 early intervention services that comply with the early
27 intervention regulations of the State Board of Education and
28 early intervention standards of the Department of Education.
29 These agreements may include memoranda of understanding pursuant
30 to approved plans submitted to the Department of Education by

1 intermediate units and school districts.

2 "Part B." Part B of the [Education for the Handicapped]
3 Individuals with Disabilities Education Act (Public Law 91-230,
4 20 U.S.C. § 1411 et seq.), as it applies to preschool children.

5 "Part [H." Part H] C." Part C of the [Education for the
6 Handicapped] Individuals with Disabilities Education Act (Public
7 Law 91-230, 20 U.S.C. § 1471 et seq.).

8 "State interagency agreement." An agreement entered into by
9 the Department of Education, the Department of Health, the
10 Department of Public Welfare and any other Commonwealth agency
11 for the purposes of this act and of Part B and Part [H] C.
12 Section 104. State interagency agreement.

13 (a) Interagency agreement.--The Department of Education, the
14 Department of Health and the Department of Public Welfare shall
15 enter into and maintain a State interagency agreement to enable
16 the State and local agencies serving infants[,] and toddlers
17 with disabilities and eligible young children [who are
18 handicapped] with disabilities to establish working
19 relationships that will increase the efficiency and
20 effectiveness of their early intervention services. The
21 agreement shall outline the responsibilities of those State and
22 local agencies and shall implement a coordinated service
23 delivery system through local interagency agreements.

24 (b) Components.--The State interagency agreement shall
25 address, at a minimum, the following issues:

- 26 (1) Responsibilities of State and local agencies.
- 27 (2) Eligibility determination and referrals.
- 28 (3) Establishment of local agreements.
- 29 (4) Fiscal responsibilities of the agencies.
- 30 (5) Dispute resolution between agencies.

1 (6) Payor of last resort.

2 (7) Maintenance of effort.

3 (8) Administrative management structure.

4 (9) Establishment and maintenance of local interagency
5 coordinating councils, which shall include, but not be
6 limited to, parents and private providers and which shall be
7 authorized to advise and comment on the development of local
8 interagency agreements for their specified geographic area
9 and to communicate directly with the Department of Education,
10 the Department of Health, the Department of Public Welfare
11 and the council regarding the local interagency agreement and
12 any other matters pertaining to this act. At least 50% of the
13 members of the local interagency coordinating council shall
14 be parents of infants or toddlers with disabilities or
15 eligible young children with disabilities who are 12 years of
16 age or younger. The local interagency coordinating councils
17 are the duly recognized local body for the purposes of this
18 act.

19 (10) Plans by the Department of Health, the Department
20 of Public Welfare and the Department of Education to work
21 together to develop a coordinated system of [case management]
22 service coordination.

23 (c) Goal.--Issues under subsection (b) shall be addressed to
24 meet the requirements of this act and the provisions of Part B
25 and Part [H] C.

26 Section 105. Other duties of State agencies.

27 * * *

28 (c) Annual reports.--By [July] October 31, the Department of
29 Health, the Department of Public Welfare and the Department of
30 Education shall submit annual reports to the council on the

1 status of early intervention services during the preceding
2 [calendar] fiscal year. These reports shall be used as the basis
3 for the report submitted by the council under section 106(f)(4).
4 Section 106. Council.

5 (a) Establishment.--The Interagency Coordinating Council is
6 established as the duly recognized council for the purposes of
7 this act. The council shall consist of [15] a minimum of 25
8 voting members but shall not exceed 30 voting members appointed
9 by the Governor. The council shall serve as the council required
10 by the [Education of the Handicapped Act Amendments of 1986
11 (Public Law 99-457, 100 Stat. 1145)] Individuals with
12 Disabilities Education Act. The term of office of the voting
13 members shall be three years, except for the cabinet officers or
14 their designees who shall serve as long as they are in office.

15 (b) Membership.--The membership of the council shall consist
16 of the following:

17 (1) [Three] Six parents of [handicapped] infants[,] or
18 toddlers with disabilities or eligible young children with
19 disabilities, including minority parents, with knowledge of
20 or experience with programs for infants or toddlers with
21 disabilities or eligible young children with disabilities.

22 (2) One [provider of a child development program, such
23 as] Head Start provider.

24 (3) One parent of a child with a disability who has
25 received early intervention services and is now beyond six
26 years of age.

27 [(4) Three providers of early intervention services,
28 including one school district provider, one intermediate unit
29 provider and one private provider.]

30 (4) Two public education providers of programs for

1 eligible young children with disabilities.

2 [(5) One member from the General Assembly.]

3 (5) Two members of the General Assembly, one from the
4 Senate and one from the House of Representatives.

5 (6) One representative of the American Academy of
6 Pediatrics.

7 (7) [One] Two county mental health/mental retardation
8 [administrator or designee] administrators.

9 (8) One individual who is directly involved in personnel
10 preparation.

11 (9) The Secretary of Education or a designee.

12 (10) The Secretary of Public Welfare or a designee.

13 (11) The Secretary of Health or a designee.

14 [(12) As ex officio members, who shall not have voting
15 privileges: a representative of the Developmental
16 Disabilities Planning Council and members appointed by the
17 chair of the council.]

18 (12) The Insurance Commissioner or a designee.

19 (13) Two private providers of programs for infants and
20 toddlers with disabilities.

21 (14) One public or private provider of child care
22 services.

23 (15) Members at large, not to exceed seven, chosen to
24 represent diverse interests who have knowledge of or
25 experience with programs for infants and toddlers with
26 disabilities and eligible young children with disabilities.

27 (c) Designees.--The designees of the cabinet officers under
28 subsection (b) must be deputy secretaries, commissioners or
29 bureau directors.

30 (d) Officers.--The chair of the council shall be appointed

1 by the Governor and must be selected from those members who are
2 neither employees of the Commonwealth nor elected officials.

3 (e) Committees.--The chair of the council may appoint
4 special committees, which may include nonmembers of the council,
5 to make recommendations to the council concerning key issues
6 related to this act.

7 (f) Powers and duties.--The council has the following powers
8 and duties:

9 (1) To review and comment to the Department of Health,
10 the Department of Public Welfare, the Department of Education
11 and the State Board of Education on draft regulations and
12 standards for the implementation and maintenance of a
13 Statewide system of early intervention services which are in
14 accordance with the provisions of this act and Parts B and
15 [H.] C. The council may advise and assist the lead agency for
16 Part C and the Department of Education regarding the
17 development of and implementation of appropriate services for
18 children ages birth to age of beginners.

19 (2) To review and comment to the appropriate legislative
20 committees and the Independent Regulatory Review Commission
21 on regulations and standards proposed under this act.

22 (3) To assist and advise Commonwealth agencies in their
23 effort to carry out the provisions of this act. This
24 paragraph includes, but is not limited to:

25 (i) recommendations for the implementation and
26 maintenance of a Statewide comprehensive, coordinated,
27 multidisciplinary, interagency program, as described in
28 Chapter 3;

29 (ii) suggestions regarding sources of fiscal and
30 other support from Federal, State, local and private

1 sources, including insurance coverage; and
2 (iii) recommendations regarding in-service training
3 and personnel competencies.

4 (4) To prepare and submit, with the cooperation of the
5 Secretary of Education, the Secretary of Health and the
6 Secretary of Public Welfare, an annual report during the
7 month of [September] December to the Governor and the
8 Majority and Minority Chairmen of the Education Committee of
9 the Senate and the Education Committee of the House of
10 Representatives. This report shall include the number of
11 programs being provided by intermediate units, school
12 districts and public and private providers, including Head
13 Start; the number of children being served; the status of
14 compliance with State regulations and standards; descriptive
15 information on the programs; information on personnel needs;
16 any suggested changes in State statutes and regulations
17 governing these programs; any information the United States
18 Secretary of Education may require; and any other information
19 the council deems appropriate.

20 (5) To meet at least six times a year.

21 (6) To perform other functions required of a state's
22 interagency coordinating council under Part [H] C.

23 (g) Compensation of members.--The members shall serve
24 without compensation but shall be reimbursed for reasonable
25 costs incurred, including costs related to child care[.], except
26 that compensation shall be provided to a member of the council
27 if such member is not employed or must forfeit wages from other
28 employment when performing official council business. Employees
29 of the Commonwealth or any of its political subdivisions are
30 prohibited from receiving compensation except for reasonable

1 costs incurred.

2 (h) Staff.--Staff services for the council shall be provided
3 by the Department of Health, the Department of Public Welfare
4 and the Department of Education and shall include the
5 preparation and distribution of the annual report required under
6 subsection (f)(4).

7 Section 301. Requirements.

8 A Statewide system of coordinated, comprehensive,
9 multidisciplinary, interagency programs shall be established and
10 maintained by the Department of Health, the Department of Public
11 Welfare and the Department of Education to provide appropriate
12 early intervention services to all [handicapped] infants[,] and
13 toddlers with disabilities and their families and to eligible
14 young children. The system shall include the following minimum
15 components:

16 (1) Compatible definitions of the term "developmental
17 delay" shall be promulgated and adopted by the Department of
18 Public Welfare, the Department of Health and the Department
19 of Education, with review and comment of the council under
20 section 106(f)(1). The definition shall provide for the
21 continuity of program services and shall be used in
22 implementing programs under this act.

23 (2) An assurance that appropriate early intervention
24 services are available to all eligible [handicapped]
25 infants[,] and toddlers with disabilities and their families
26 by September 1, 1991, and to all eligible young children by
27 July 1, 1991.

28 [(3) A timely, comprehensive, multidisciplinary
29 evaluation of the functioning of each handicapped infant,
30 toddler and eligible young child and the needs of the

1 families to assist appropriately in the development of the
2 handicapped infant, toddler and eligible young child.]

3 (3) A timely, comprehensive, multidisciplinary
4 evaluation of the strengths and needs of each infant and
5 toddler with disabilities and eligible young child, the needs
6 of the family and the resources and priorities to assist
7 appropriately in the development of the infant and toddler
8 with disabilities and eligible young child with disabilities.

9 (4) For all [handicapped] infants[,] and toddlers with
10 disabilities and their families, an IFSP in accordance with
11 Part [H] C, including [case management] service coordination
12 services in accordance with the service plan.

13 (5) For each eligible young child, an IEP in accordance
14 with Part B.

15 (6) A comprehensive child-find system, including a
16 system for making referrals to service providers that
17 includes timelines and provides for the participation by
18 primary referral sources.

19 (7) A public awareness program focusing on early
20 identification of [handicapped] infants[,] and toddlers with
21 disabilities and eligible young children.

22 (8) A central directory, which includes early
23 intervention services, resources and experts available in
24 this Commonwealth and research and demonstration projects
25 being conducted in this Commonwealth.

26 (9) A comprehensive system of personnel development and
27 policies and procedures relating to the establishment and
28 maintenance of standards to ensure that personnel necessary
29 to carry out this act are appropriately and adequately
30 prepared and trained.

1 (10) A procedure for securing timely reimbursement of
2 funds.

3 (11) Procedural safeguards with respect to programs
4 under this act.

5 (12) A system for compiling data on the numbers of
6 [handicapped] infants[,] and toddlers with disabilities and
7 their families and eligible young children in need of
8 appropriate early intervention services; the number of
9 infants[,] and toddlers with disabilities and their families
10 and eligible young children served; and the types of services
11 provided.

12 (13) A system of program standards evaluation and
13 compliance.

14 (14) An exit criteria, which provides procedures for a
15 child to exit from early intervention services. This exit
16 plan must address both the needs of the child who has
17 attained age of beginners as well as the child who, at any
18 age between birth and age of beginners, no longer meets the
19 eligibility criteria. If a child has been successful in
20 obtaining age-appropriate behavior and abilities, the fact
21 that the child participated in early intervention services
22 may not be communicated to the school district unless the
23 parent so chooses, nor may it be considered as a rationale
24 for placement in public school age special education classes.
25 If the child does not meet exit criteria and the child's IEP
26 or IFSP demonstrates that the child will benefit from
27 services which can be provided only through special
28 education, nothing in this act shall prevent that placement.
29 In either case, transition services shall be provided to the
30 child and the child's parents.

1 (14.1) Policies and practices are adopted to ensure
2 meaningful involvement of traditionally underserved groups,
3 including minority, low-income and rural families, in the
4 planning and implementation of all the requirements of this
5 act and to ensure that such families have access to services
6 within their local areas.

7 (15) A system for the provision of services to children
8 from birth to age two, inclusive, which are in compliance
9 with Part [H] C.

10 (16) A system for the provision of services to children
11 three years of age to age of beginners which is in compliance
12 with Part B, this act and regulations and standards.

13 Section 302. Program regulations and standards.

14 (a) Public Welfare.--The Department of Public Welfare shall
15 define and address the following issues in developing
16 regulations:

17 (1) Methods for locating and identifying eligible
18 children.

19 (2) Criteria for eligible programs.

20 (3) Contracting guidelines.

21 (4) Personnel qualifications and a system of preservice
22 and in-service training.

23 (5) Early intervention services.

24 (6) Procedural safeguards.

25 (7) Appropriate placement, including the least
26 restrictive environment.

27 (8) A system of quality assurance, including evaluation
28 of the developmental appropriateness; quality and
29 effectiveness of programs; assurance of compliance with
30 program standards; and provision of assistance to assure

1 compliance.

2 (9) Data collection and confidentiality.

3 (10) Interagency cooperation at the State and local
4 level through the State interagency agreement and local
5 interagency agreements.

6 (11) Content and development of IFSP's.

7 (12) Any other issues which are required under this act
8 and Part [H] C.

9 (b) Education.--The State Board of Education and the
10 Department of Education shall define and address the following
11 issues in developing regulations and standards:

12 (1) Methods for locating and identifying eligible
13 children.

14 (2) Criteria for eligible programs.

15 (3) Mutually agreed-upon written arrangement guidelines.

16 (4) Personnel qualification and a system of preservice
17 and in-service training.

18 (5) Early intervention services.

19 (6) Procedural safeguards.

20 (7) Appropriate placement, including the least
21 restrictive environment.

22 (8) A system of quality assurance, including evaluation
23 of the developmental appropriateness; quality and
24 effectiveness of programs; assurance of compliance with
25 program standards; and provision of assistance to assure
26 compliance.

27 (9) Data collection and confidentiality.

28 (10) Interagency cooperation at the State and local
29 levels.

30 (11) Contents and development of IEP's.

1 (12) Any other issues which are required under this act
2 and Part B.

3 Section 304. Administration by Department of Education.

4 * * *

5 (c) Public welfare.--The Secretary of Education shall
6 provide for the transition of eligible children, including
7 [handicapped] infants and toddlers with disabilities, who, prior
8 to their third birthday, received services under Part [H] C. The
9 Secretary of Education is authorized to accept responsibility
10 pursuant to delegation from the Secretary of Public Welfare
11 under section 303(c) for providing early intervention services
12 to children less than three years of age. The Secretary of
13 Education is authorized to delegate responsibility to the
14 Secretary of Public Welfare for providing services for certain
15 children over the age of three.

16 * * *

17 Section 305. Child identification, assessment and tracking
18 system.

19 (a) Development of system.--The Department of Public
20 Welfare, the Department of Education and the Department of
21 Health shall develop a Statewide system for eligible child
22 identification, assessment and tracking. This system shall be
23 developed and coordinated by the agencies to assure that the
24 system is compatible with the child-find system as required by
25 Part B.

26 (b) At-risk children.--For the purposes of child
27 identification, assessment and tracking for infants and
28 toddlers, the Department of Public Welfare shall establish, by
29 regulation, population groups to be included in these
30 activities. The population groups shall include, but not be

1 limited to, children whose birth weight is under 1,500 grams;
2 children cared for in neonatal intensive care units of
3 hospitals; children born to chemically dependent mothers and
4 referred by a physician, health care provider or parent;
5 children who are seriously abused or neglected, as substantiated
6 and referred by the county children and youth agency under the
7 act of November 26, 1975 (P.L.438, No.124), known as the Child
8 Protective Services Law; and children with confirmed dangerous
9 levels of lead poisoning as set by the Department of Health. The
10 Department of Public Welfare may establish other population
11 groups by regulation as it deems necessary.

12 (c) Components of system.--The system shall include, but
13 need not be limited to, the provision of the following
14 activities and services:

15 (1) The identification of eligible children and referral
16 to early intervention services as soon after birth as
17 possible.

18 (2) Referral services for families of eligible children.

19 (3) Continuing assessment of at-risk children from birth
20 through age of beginners.

21 (4) A description of agencies providing early
22 intervention services and the services provided by each
23 agency.

24 (5) Pertinent information regarding the exit of the
25 child from early intervention services.

26 (6) The orderly transfer of the accumulated information
27 to the appropriate provider upon the child's attainment of
28 age of beginners, except if the child has met exit criteria
29 contained in this act.

30 (d) Confidentiality.--Proper measures shall be developed and

1 implemented to assure the confidentiality of the data contained
2 in the system. Information shall be accessed only by appropriate
3 staff of the Department of Public Welfare, the Department of
4 Education and the Department of Health, including the staff of
5 each agency's local entities, such as county mental health and
6 mental retardation offices, school districts and intermediate
7 units, which are responsible for the provision of services
8 either directly or through subcontract to private providers.
9 Nothing in this section is intended to preclude the utilization
10 of data to provide for the preparation of reports, fiscal
11 information or other documents required by this act or the
12 [Education of the Handicapped Act] Individuals with Disabilities
13 Education Act; but no information may be used in a manner which
14 would allow for the identification of an individual child or
15 family.

16 Section 501. Regulations and standards.

17 Regulations of the State Board of Education, 22 Pa. Code Ch.
18 14, published at 20 Pa.B. 3339 (June 16, 1990), and the
19 Department of Education Standards, 22 Pa. Code Ch. 342,
20 published at 20 Pa.B. 3357 (June 16, 1990), as approved by the
21 State Board of Education, governing the provision of early
22 intervention services, shall take effect upon their
23 reaffirmation by the State Board of Education. [The definition
24 of eligible young child in those regulations and standards is,
25 with regard to the reference to being two years and nine months
26 of age by September 1, superseded by the definition of eligible
27 young child in this act.] Should the State Board of Education
28 propose to make any revisions in the regulations at the time of
29 reaffirmation and at any time thereafter, the regulations shall
30 be subject to the provisions of the act of July 31, 1968

1 (P.L.769, No.240), referred to as the Commonwealth Documents
2 Law, the act of October 15, 1980 (P.L.950, No.164), known as the
3 Commonwealth Attorneys Act, and the act of June 25, 1982
4 (P.L.633, No.181), known as the Regulatory Review Act.

5 Section 2. This act shall take effect immediately.